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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KDEM](#) [KPAO](#) [TS](#)
SUBJECT: ACTIVISTS SAY TWO PEOPLE SENTENCED TO PRISON FOR
CRITICIZING GOVERNMENT

REF: 07 TUNIS 1555

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

Summary

¶1. (C) Tunisian activists and international NGOs are denouncing the recent convictions of a journalist and a comedian, saying that they are being prosecuted for criticizing the government. On January 18, a Sfax court of appeal upheld journalist Slim Boukhdhir's sentence of one year in prison for insulting a police officer, using foul language, and not presenting his national ID card (reftel). International NGOs condemned the verdict, deeming it a political decision in retaliation for several articles Boukhdhir has authored that were critical of the government. On February 4, comedian Hedi Ouled Baballah was sentenced to one year in jail and a 1,000 TD (833 USD) fine for "possession of a category B drug." The chair of the International Freedom of Expression Exchange Tunisia Monitoring Group (IFEX-TMG) characterized the case as "...yet another trumped-up case against a person who has dared to speak against the president," referring to Baballah's recent satirical comedy sketch of President Ben Ali. End Summary.

Consequences for Crossing the Line

¶2. (C) On January 18, a Sfax court of appeal confirmed journalist Slim Boukhdhir's December 4, 2007 sentence of one year in prison for insulting a police officer, using foul language, and not presenting his national ID card. The sentence was considered unusually harsh, as normally the penalty for insulting a police officer does not exceed two-to-three months. Prior to the ruling, civil society activists had expressed optimism that the original sentence would be reduced. Boukhdhir's attorneys (including Mohamed Abbou, who himself served over two years in prison after he posted two Internet articles critical of the GOT) had argued that Boukhdhir should be released immediately, due to procedural irregularities and because the charges were politically motivated.

¶3. (C) Per a Reporters Without Borders (RWB) January 18 statement, "...the determination of the Tunisian authorities to hound this journalist knows no limits. Boukhdhir has had to endure appalling prison conditions since his arrest." PolOff spoke on February 20 with Boukhdhir's mother, wife, and sister, who also expressed their concerns about his prison conditions. Boukhdhir has told his attorneys and family that prison guards encourage his two cellmates to

harass him. According to his family, Boukhdhir is kept in a four square meter cell without windows and is limited to 20 minutes outside his cell per day. The family reported that they are occasionally refused the right to visit. When allowed, the family complained that they are closely monitored by prison officials and accompanied by heavy security. Since his arrest, Boukhdhir staged an eighteen-day hunger strike to protest prison conditions and his harassment by inmates and prison officials. According to his sister, he complained to prison officials about his treatment, but guards tried to force him to sign an account recanting his allegations, which he refused to do.

Was It Something I Said?

¶4. (C) On February 4, comedian Hedi Ouled Baballah was sentenced by the Ben Arous Tribunal of First Instance to one year in jail and a 1,000 TD (833 USD) fine for "possession of a category B drug." Baballah first performed a satirical sketch featuring President Ben Ali in March 2007, after which he was reportedly arrested and assaulted by security forces while being held at Bouchoucha detention center. In January, Baballah authored a 30 minute stand-up routine spoofing President Ben Ali and the President's in-laws that was circulated widely via cell phone. On January 14, shortly after performing the show live at a comedy festival in Sfax, Baballah was reportedly stopped at a highway checkpoint and his car was confiscated. He was taken to a police station, where security forces informed him that cannabis had been found in his car and counterfeit currency had been found in his home. Baballah is appealing the ruling in his drug case; a verdict regarding the counterfeiting charges is pending.

International NGOs Condemn Rulings

¶5. (C) According to the Committee to Protect Journalists, Tunisia is the leading jailer of journalists in the Arab world. International NGOs quickly issued press releases condemning the court's January 18 decision in Boukhdhir's case, characterizing it as a political decision in retaliation for several articles alleging government corruption. In a January 21 press release, IFEX-TMG chair Rohan Jayasekera said, "It is saddening that our call on the eve of the trial asking the Tunisian government to stop using the judicial system to silence and punish its critics fell on deaf ears." In the case of Hedi Ouled Baballah, a February 15 IFEX-TMG statement called on the Tunisian judicial system to, "... reverse the drug conviction on appeal and dismiss the currency charges on the grounds that there are serious and credible doubts about the alleged evidence presented to the court." According to the Observatory for Freedom of the Press, Publishing, and Creation in Tunisia (OLPEC), "dissidents are never charged for their political acts, but instead are falsely accused of more "dishonorable" offences." Both local and international NGOs are calling into question the process in which the evidence against Baballah was obtained, but do not seem optimistic about the chances of an acquittal.

Comment

¶6. (C) Despite the positive step of Mohamed Abbou's July 2007 release, Baballah and Boukhdhir's convictions seem to suggest that the GOT has not changed its attitude about freedom of expression. Tunisian activists attributed Abbou's release to international pressure. It remains to be seen whether or not Boukhdhir or Baballah will benefit similarly from international calls for their release. End Comment.
GODEC